

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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**IN RE LG FRONT LOAD WASHING  
MACHINE CLASS ACTION  
LITIGATION**

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Honorable Faith S. Hochberg, U.S.D.J.

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Case No. 2:08-cv-00051-FSH-MAS

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**PRETRIAL SCHEDULING ORDER**

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**THIS MATTER**, having come before the Court by way of a Status Conference on February 18, 2009, with Winston & Strawn LLP, attorneys for Defendant LG Electronics USA, Inc. (James S. Richter and Lawrence R. Desideri appearing) and Chimicles & Tikellis, LP (Steven A. Schwartz appearing), Giskan Solotaroff Anderson & Stewart, LLP (Oren Giskan appearing) and Carella, Byrne, Bain, Gilfillan Cecchi Olstein & Stewart LLC (Lindsay Taylor appearing) appearing, and for good cause shown;

IT IS on this 26<sup>th</sup> day of February, 2009,

**ORDERED**, as follows:

**I. DISCOVERY – CLASS CERTIFICATION**

1. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a) shall be exchanged on or before March 11, 2009.

2. The parties may serve interrogatories limited to 25 single questions including subparts, and requests for production of documents on or before March 11, 2009 to be responded to no later than April 13, 2009.

3. Except as the parties otherwise agree in writing, or except as the Court otherwise orders, all documents, data and other information produced in this litigation by Plaintiffs,

Defendant or any non-party will be made subject to the Stipulation Establishing Electronic Discovery Protocol, which is attached hereto as Exhibit "A", and a discovery confidentiality order.

4. Fact discovery is to remain open through September 20, 2009. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.

5. Counsel shall confer in a good faith attempt to informally resolve any discovery disputes before seeking the Court's intervention. Should such informal effort fail to resolve the dispute, the matter shall be brought to the Court's attention in the first instance by a brief letter outlining the dispute. The Court will thereafter schedule a telephonic discovery conference pursuant to Fed. R. Civ. P. 26(f) to resolve the dispute. See L. Civ. R. 16.1(f)(1). No discovery motion or motion for sanctions for failure to provide discovery shall be made before utilizing the procedures set forth in this paragraph without prior leave of Court.

## **II. EXPERTS – CLASS CERTIFICATION**

6. All opening expert reports related to class certification shall be served by October 20, 2009. See Fed. R. Civ. P. 26(b)(4)(A).

7. All responding expert reports related to class certification shall be served by November 23, 2009.

8. All expert reports are to be in the form and content as required by Fed. R. Civ. P. 26(a)(2)(B). No expert shall testify at trial or any other Court proceedings to any opinions or base those opinions on facts not substantially disclosed in the experts report.

9. Depositions of any expert who issued an expert report related to class certification shall be completed on or before December 31, 2009.

### **III. MOTION PRACTICE – CLASS CERTIFICATION**

10. Plaintiffs shall file their motion for class certification on or before February 1, 2010.

11. Defendants shall file oppositions to plaintiffs' motion for class certification on or before March 1, 2010.

12. Plaintiffs' shall file reply papers in further support of the motion for class certification on or before April 1, 2010.

### **IV. EXPERTS – MERITS**

13. All opening expert reports relating to the merits of plaintiffs' claims shall be served by June 15, 2010.

14. All responding expert reports relating to the merits of plaintiffs' claims shall be served by July 15, 2010.

15. Depositions of any experts who issued an expert report on the merits of plaintiffs' claims shall be completed on or before August 16, 2010.

### **V. DISPOSITIVE MOTIONS**

16. All dispositive motions shall be filed on or before September 16, 2010.

17. Any opposition to dispositive motions shall be filed on or before October 18, 2010.

18. Any reply papers in further support of any dispositive motions shall be filed on or before November 18, 2010.

### **VI. FINAL PRETRIAL CONFERENCE**

19. A final pretrial conference with Magistrate Judge Shipp shall be conducted pursuant to Fed. R. Civ. P. 16(d) on January <sup>28</sup>~~30~~, 2011 at 1:30 p.m.. The

Court will adjourn the Final Pretrial conference only if the requesting party makes a compelling showing that manifest injustice would otherwise result absent adjournment.

20. Not later than **20 working days** before the pretrial conference, the parties shall exchange copies of all proposed trial exhibits. Each exhibit shall be pre-marked with an exhibit number conforming to the party's exhibit list.

21. All counsel are directed to meet and confer no later than **thirty (30) days** before the pretrial conference to prepare the proposed Joint Final Pretrial Order in the form and content required by the Court. Plaintiff's counsel shall prepare the Joint Pretrial Order and shall submit it to all other counsel for approval and execution.

22. The original of the Final Pretrial order shall be delivered to the CHAMBERS of Magistrate Judge Shipp no later than December 30, 2010. All counsel are responsible for the timely submission of the Pretrial Order.

23. The Court expects to engage in meaningful settlement discussions at the final pretrial conference. Therefore, trial counsel who actually has full settlement authority must attend the conference and clients or other persons with full settlement authority must be available by telephone.

## VII. MISCELLANEOUS

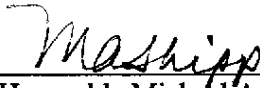
24. The Court may from time to time schedule conferences as may be required, either sua sponte or at the request of a party.

25. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

26. There shall be a status conference before Magistrate Judge Shipp on April <sup>17</sup>~~30~~, 2009 at 2:30 p.m. and July 20, 2009 at 2:30 p.m. Counsel must e-file a joint case Status letter 7 days prior to each conference.

27. The parties agree to participate in private non-binding mediation between April 1 and April 30, 2010.

28. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY  
RESULT IN SANCTIONS.**

A handwritten signature in cursive script, appearing to read "M. Shipp", is written above a horizontal line.

Honorable Michael A. Shipp, U.S.M.J.